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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,025	12/21/2001	Michael Joachim Wolf	Q67574	4390

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EXAMINER

BHAT, ADITYA S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/024,025	Applicant(s) WOLF ET AL.	
	Examiner Aditya S Bhat	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9-12, 14-20, 24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 21-23 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-7, 9-12, 14-20, 24 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al. (USPUB 20003/0126195).

With regards to claim 1, Reynolds et al. (USPUB 20003/0126195) teaches a method of synchronizing an output signal of at least one receiver module, with at least one external clock signal comprising the steps of:

- sending at least a first clock signal and a second to clock signal to the at least one receiver module, (See figure 51)
- Sending at least one item of master-slave status information about the at least one of the first clock signal and the second clock signal to the at least one receiver module; and (Page 36, Paragraph 0363)
- selecting as a function of the item of master-slave status information, at the at least one receiver module the first clock signal or the second clock signal as a master synchronization signal for the synchronization of the output signal of the at least one receiver module with the at least one external clock signal. (Page 36, Paragraph 0364)

With regards to claim 11, Reynolds et al. (USPUB 20003/0126195) teaches a receiver module with a synchronizable output signal comprising:

a receiving means for receiving at least a first clock signal and a second clock, wherein the receiving means is designed to receive at least one item of master-slave status information about at least one of the first clock signal and the second clock signal; and

a selection means for selecting the first clock signal or the second clock signal as a master synchronzation signal is designed such that, as a function of the item of master-slave status information, the receiver module can select the first clock signal or

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the second clock signal as the master synchronization for synchronization of the output signal of the receiver module with an external clock signal, wherein the selection means is designed such that as a function of the item of master-slave status information the receiver module can select the at least one first clock signal or the second clock signal as the master synchronization signal for the synchronization of the receiver module with the external clock signal. (Page 85, Paragraph 0814)

With regards to claim 12, Reynolds et al. (USPUB 20003/0126195) teaches a clock generator module, for synchronizing an output signal of at least one receiver module with an external signal, comprising

a clock generation means for generating at least a first clock signal (See figure 51 and Page 5 Paragraph 0106)

a transmitting means for transmitting the first clock signal to the at least one receiver module, wherein the transmitting means is designed to transmit at least one item of master-slave status information about the first clock signal; (Page 18, Paragraph 0211) and

a selection means wherein the at least one receiver module selects, as a function of the master slave status information the first clock signal or a second clock signal as a master synchronization signal for the synchronization of the output signal of the receiver module with the external clock signal. (Page 18, Paragraph 0211)

With regards to claim 2, Reynolds et al. (USPUB 20003/0126195) teaches at least one first clock signal or the second clock signal is defined as a preferred master synchronization signal, and wherein the at least one receiver module selects as master synchronization signal the at least one first clock signal or second clock signal which is defined as preferred master synchronization signal when the at least one first clock signal or second clock signal to be selected as master synchronization signal cannot be detected on the basis of the at least one item of master-slave status information (See figure 51)

With regards to claim 3, Reynolds et al. (USPUB 20003/0126195) teaches at least one first clock signal is generated by a first clock generator module and the second clock signal is generated by a second clock generator module, wherein at least the first clock generator module sends the second clock generator module a synchronization signal provided for synchronization of an output signal of the second clock generator module with an output signal of the first clock generator module, and wherein the at least one item of master-slave status information defines the first clock signal as master synchronization signal for such time as the second clock generator module receives the synchronization signal.

With regards to claim 5, Reynolds et al. (USPUB 20003/0126195) teaches at least one item of master-slave status information is contained at least partially in at least one of the first clock signal and in the second clock signal. (See figure 12A)

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With regards to claim 6, Reynolds et al. (USPUB 20003/0126195) teaches the first clock signal is sent on a first clock line, and the second clock signal is sent on a second clock line, to the at least one receiver module. (See figure 51)

With regards to claim 7, Reynolds et al. (USPUB 20003/0126195) teaches at least one first clock signal the second clock signal and an item of control information assigned to the first clock signal or the second clock signal, contains at least one item of source information from which the at least one receiver module can determine the source from which the at least one first clock signal and the second clock signal emanates. (See figure 51)

With regards to claim 9, Reynolds et al. (USPUB 20003/0126195) teaches the method is performed in a transmission network, or in a network device of a transmission network. (Page 85, Paragraph 0814)

With regards to claim 10, Reynolds et al. (USPUB 20003/0126195) teaches with a first delay means, the at least one first receiver module delays the at least one first clock signal by a predetermined first delay time which in particular corresponds to a maximum expected propagation time difference between the at least one first clock signal and the second clock signal, wherein the at least one receiver module delays the second clock signal in a second delay means, wherein the receiver module determines a phase difference between the at least one first clock signal and the second clock signal, and wherein the receiver module adapts the phase of the second clock signal to the phase of the first clock signal by adjusting the second delay means so that the at least one receiver module can extract the at least one first clock signal and the second clock signal in-phase from the first delay means and from the second delay means respectively. (See figure 51)

With regards to claim 14, Reynolds et al. (USPUB 20003/0126195) teaches a program code, which can be executed by a control, means of a network device, or by a control means on a console of a network device for a transmission network with a synchronous digital hierarchy. (Page 70, Paragraph 0675)

With regards to claim 15 and 18, Reynolds et al. (USPUB 20003/0126195) teaches a program code, which can be executed by a control, means of a network device, or by a control means on a console of a network device for a transmission network with a synchronous digital hierarchy. (Page 70, Paragraph 0675)

With regards to claim 16, Reynolds et al. (USPUB 20003/0126195) teaches a storage medium storing module (See figure 12A)

With regards to claim 17 and 19, Reynolds et al. (USPUB 20003/0126195) teaches a network device, for a transmission network with a synchronous digital hierarchy, with at least one receiver module (Page 85, Paragraph 0814)

With regards to claim 20, Reynolds et al. (USPUB 20003/0126195) teaches at least one receiver module is in a telecommunications network or a network device of a telecommunications network. (Page 85, Paragraph 0814)

With regards to claim 24, Reynolds et al. (USPUB 20003/0126195) teaches the method is performed in a transmission network with a synchronous digital hierarchy. (Page 85, Paragraph 0814)

With regards to claim 26 and 27, at least one receiver module is in a telecommunications network or in a network device of a telecommunications network. (Page 85, Paragraph 0814)

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 4,8,13, 21-23, 25 and 28-42:

The primary reason for the allowance of claim 28 is the inclusion of the method steps of: transmitting the clock signals regenerated by the first independent clock signal generator module and the second independent clock signal generator module to the at least one receiver module. It is this feature found in the claim(s), as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim(s) allowable over the prior art.

Claims 29-42 are allowed due to their dependency on claim 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 4,8,13, 21-23 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meanings of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that Reynolds et al. (USPUB 20003/0126195) does not read upon the claimed invention. However, the examiner respectfully traverses applicant's assertion. The claimed invention can be broadly interpreted to read upon the prior art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-5570. The examiner can normally be reached on M-F 9-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Aditya Bhat
February 13, 2004



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